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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/939,669	08/28/2001	Tadaki Sakuraba	XA-9546	4858
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Miles & Stockbridge P.C. 1751 Pinnacle Drive, Suite 500 McLean, VA 22102-3833			EXAMINER	
			GRAYBILL, DAVID E	
			ART UNIT	PAPER NUMBER
			2827	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Examiner David E Graybill 2827		Application No.	Applicant(s)				
David E Graybill 2827 Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILLING DATE OF THIS COMMUNICATION. THE MAILLING DATE OF THIS COMMUNICATION. The MAILLING DATE OF THIS COMMUNICATION. The period for revery specified above is less than this (20) glays, a recy value to the studency retirement of this (20) glays, a recy value to the studency retirement of this (20) glays, a recy value to the studency retirement of this (20) glays, a recy value to the studency retirement of this (20) glays, a recy value to the studency retirement of this (20) glays, a recy value to the studency retirement of this (20) glays will be considered linely. The period for recy specified above is less than this (20) glays, a recy value to the studency retirement of this (20) glays will be considered linely. The period for recy specified above is the stream facility. The period for recy specified above is the stream facility. The period for recy specified above is the stream facility. The period for recy specified above is the stream facility. The period for recy specified above is the stream facility. The period for recy specified above is the stream facility. The period for recy specification is the most of the merits is considered to the communication. The period for recy specification is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Exparte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s)		09/939,669	SAKURABA ET AL.				
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3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6) I Other: .	2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) Notice	• • • • • • • • • • • • • • • • • • • •				

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Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-6, drawn to a process, classified in class
 438, subclass 123.
- II. Claims 7-20, drawn to a product, classified in class 257, subclass 666.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the product as claimed can be made by another and materially different process such as a process having no cutting step.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of

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their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any telephone inquiry of a general nature or relating to the status (MPEP 203.08) of this application or proceeding should be directed to Group 2800 Customer Service whose telephone number is 703-306-3329.

Any telephone inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Graybill at (703) 308-2947. Regular office hours: Monday through Friday, 8:30 a.m. to 6:00 p.m.

The fax phone number for group 2800 is 703/308-7722.

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David E. Graybill
Primary Examiner
Art Unit 2827

D.G. 20-Mar-03